

REMARKS

In this Response, claims 15, 17, 18, and 25-27 have been amended. Support for these amendments is found throughout the originally submitted specification. No new matter has been added.

Claims 2-12, 14-19, and 21-27 are pending.

35 U.S.C. 103(a) rejections

Claims 2, 3, 5, 11, 12, 14, 15, 21-23, and 25-27 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Thakur (U.S. Patent No. 6,808,758, hereinafter "Thakur") in view of O'Carroll et al (U.S. Patent No. 6,559,424, hereinafter "O'Carroll") and Champetier et al (U.S. Patent No. 5,997,175, hereinafter "Champetier").

Claim 25, as amended, recites:

a target area;

a reflecting device having a first reflective zone with a first reflectivity and a second reflecting zone with a second reflectivity that is different from the first reflectivity; and

a flash lamp, disposed between the reflecting device and the target area, to provide radiation to be reflected off the reflecting device substantially towards a first side of the target area.

Assuming arguendo that the combination of the above cited articles is a proper one, it still does not make the subject matter of claim 25, as a whole, obvious.

To establish obviousness under 35 U.S.C. § 103, the Examiner must meet the standard set forth by the Supreme Court in *Graham v. John Deere Co.* That standard requires that the Examiner (1) determine the scope and content of the prior art; (2) ascertain the differences between the prior art and the claims in issue; (3) resolve the level of ordinary skill in the art; and (4) evaluate evidence of secondary considerations. 383 U.S. 1, 17-18 (1966); see also MPEP 2141. Further, in applying the Graham framework, the Examiner must consider the invention as a whole, without the benefit of hindsight. MPEP 2141.

The differences between the subject matter of claim 25 and the combination of the cited articles includes, but is not limited to, a flash lamp disposed between a target area and a reflecting device, which has first and second reflecting zones of different reflectivities.

The Office Action relies on Champetier to disclose a reflecting device with varying reflectivities. However, the reflecting device in Champetier is placed on the far side of the target area from the flash lamps in order to receive and measure radiation emitted from the wafer being processed. The varying reflectivities of Champetier's reflecting device are used to "more accurately determine the temperature of the wafer." See *Champetier* column 9, lines 30-33.

The reflecting device of claim 25, on the other hand, is used to reflect radiation from the flash lamp back toward the target area. In one embodiment, the different reflectivity of the zones may at least facilitate reflecting various amounts of radiation from the flash lamp toward the target area.

There would be no motivation to change the positioning of Champetier's reflecting device to that described in claim 25 as it would undermine the objective of measuring the temperature of the wafer.

Claims 3, 5, 11, 12, 14, 15, 21-23, and 26-27 either depend from, or include elements similar to claim 25. Therefore, these claims are patentable for at least the above reasons.

Claims 4, 16, and 24 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Thakur, O'Carroll, Champetier, and Lee et al (U.S. Patent 6,753,272 hereinafter "Lee"). These claims either depend from, or include limitations similar to claim 25. Because Lee does not correct for the deficiencies discussed above, these claims are patentable for at least the reasons given above.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Thakur, O'Carroll, Champetier, and Li et al. (U.S. Patent No. 6,641,302, hereinafter "Li"). These claims depend from claim 25. Because Li does not

correct for the deficiencies discussed above, these claims are patentable for at least the reasons given above.

Claim 8 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Thakur, O'Carroll, Champetier, and Gat et al (U.S. Patent No. 6,771,895, hereinafter "Gat"). This claim depends from claim 25. Because Gat does not correct for the deficiencies discussed above, this claim is patentable for at least the reasons given above.

Claims 9-10 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Thakur, O'Carroll, Champetier, and Grant et al (U.S. Patent No. 5,228,206, hereinafter "Grant"). These claims depend from claim 25. Because Grant does not correct for the deficiencies discussed above, these claims are patentable for at least the reasons given above.

Claims 17-19 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Thakur, O'Carroll, Champetier, and Noguchi (U.S. Patent No. 5,219,786, hereinafter "Noguchi"). These claims include limitations similar to claim 25. Because Noguchi does not correct for the deficiencies discussed above, these claims are patentable for at least the reasons given above.

CONCLUSION

In view of the foregoing, the Applicant respectfully submits that claims 2-12, 14-19, and 21-27 are in condition for allowance. Thus, early issuance of Notice of Allowance is respectfully requested.

If the Examiner has any questions, he is invited to contact the undersigned at (503) 796-2972.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,
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